IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ICONTROL NETWORKS, INC., a Delaware corporation,	)	C.A. No. 14-01199-GMS
Plaintiff,	)	**JURY TRIAL DEMANDED**
v.	)	
ZONOFF, INC., a Delaware corporation,	)	
Defendant.	)	

ICONTROL NETWORKS, INC.'S SUPPLEMENTAL OPENING CLAIM CONSTRUCTION BRIEF

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I. INTRODUCTION

Pursuant to the parties' stipulation and the Court's January 8, 2016, Order (D.I. 75), Icontrol respectfully submits this Supplemental Opening Claim Construction Brief to address one additional claim phrase from the '871 Patent which Zonoff seeks to construe. Zonoff contends that this claim phrase should be treated as means-plus-function and further contends that the specification of the '871 Patent lacks any corresponding structure, thus rendering claim 1 indefinite and invalid. As explained below, Zonoff's contention fails because a person of ordinary skill in the art would recognize that the portion of claimed gateway device that performs recited function includes the devices (816), automations (804), mode (806), task scheduler (813), and server updater (814).

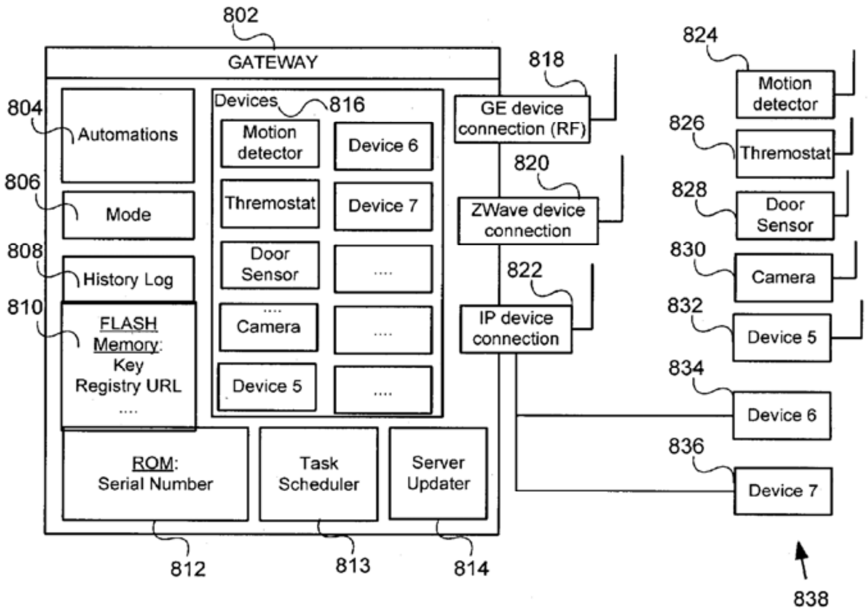
II. ARGUMENT ON ADDITIONAL DISPUTED TERM OF THE '871 PATENT

Zonoff seeks to construe the following portion claim 1 of the '871 Patent: "logic that sends via the remote network a request to a gateway registry, the request specifying a serial number of the gateway device, receives an address of a gateway server that has an account associated with the gateway device and an identification of the account, sends to the gateway server the identification of the account, and manages the set of local management devices using account information received in response to the identification." '871 Patent at 20:59-67.

A. Zonoff Fails to Show that the "logic ..." Clause is Means-Plus-Function

Zonoff cannot meet its burden of showing that the term "logic" fails to connote sufficiently definite structure. *M2M Solutions LLC v. Sierra Wireless Am., Inc.*, No. CV 12-30-RGA, 2015 WL 5826816, at *2 (D. Del. Oct. 2, 2015). Indeed, the plain language of claim 1 indicates the "logic" performs the function of "send[ing] via the remote network a request to a gateway registry, the request specifying a serial number of the gateway device, receiv[ing] an address of a gateway server . . . send[ing] to the gateway server the identification of the account, and manag[ing] the set of local management devices using account information received in response to the identification”. D.I. 79-3 (the ’871 Patent) at 20:59-67.

Based on the plain language of claim 1, the “logic” is a component of the claimed “gateway device.” The specification for the ’871 Patent provides ample description of the structure of the gateway devices including, for example, Figure 8 which is reproduced below:



802
GATEWAY
804
Automations
806
Mode
808
History Log
810
FLASH Memory: Key Registry URL ....
Devices
816
Motion detector
Device 6
Thremostat
Device 7
Door Sensor
....
Camera
....
Device 5
....
ROM: Serial Number
Task Scheduler
Server Updater
812
813
814
818
GE device connection (RF)
820
ZWave device connection
822
IP device connection
824
Motion detector
826
Thremostat
828
Door Sensor
830
Camera
832
Device 5
834
Device 6
836
Device 7
838

Id. at Figure 8. The specification goes on to describe Figure 8 in the following manner:

> FIG. 8 is a block diagram of a gateway device 802 and showing location management devices 824, 826, 828, 830, 832, 834, 836, according to an embodiment . . . **In the embodiment shown, gateway device 802 comprises logic 816 for managing which, for non-limiting example, can include monitoring and controlling, a set of local management devices 838 connected to a local network located at the location** . . . **The logic of the embodiment shown in FIG. 8 comprises, for non-limiting example, automations 804, mode 806, task scheduler 813, and server updater 814**. The gateway device of this embodiment comprises an interface that allows connectivity to a remote network over which the gateway can communicate to remote systems which are remote to the location.

Id. at 8:14-36. The above passage makes clear that the "logic" of the gateway refers to specific structures, including devices block (816) as well as automations (804), mode (806), task scheduler (813), and server updater (814).

The '871 Patent further describes the functionality of the "logic" within the gateway to perform precisely the same function as what is set forth in claim 1:

> Although not shown, the gateway device 802 of the embodiment of FIG. 8 comprises logic that, upon initialization of the gateway uses the address of the gateway registry to communicate with the gateway registry, sends a request to the gateway registry specifying the serial number of the gateway, receives a response with an address of the server upon which an account associated with the gateway is stored, and receives a response with an identification of an account for managing the location associated with the gateway; and logic that communicates with the server upon which the account associated with the gateway is stored by using the identification and authentication information derived based on the key.

Id. at 8:45-56. The above-quoted language from the specification further links the term "logic" to specific structures of the gateway with the function recited by claim 1. The '871 Patent further expands upon how the logic's function is performed at Col.15:4-33.

In light of the above, a person of ordinary skill in the art would not consider the term "logic," to be a nonce term used as a substitute for "means." Rather, a person of ordinary skill in the art would appreciate that, when read in light of the specification, the term "logic" has sufficiently definite structure. Zonoff has therefore failed to meet its burden of establishing that the disputed claim phrase is subject to means-plus-function treatment.

B. The "logic..." Claim Phrase is Not Indefinite

To the extent that the disputed term is construed as means-plus-function, Zonoff has failed to meet its burden of proving indefiniteness. Indeed, "[a] means-plus-function clause is indefinite if a person of ordinary skill in the art would be unable to recognize the structure in the specification and associate it with the corresponding function in the claim." *AllVoice Computing PLC v. Nuance Communications, Inc.*, 504 F.3d 1236, 1241 (Fed. Cir. 2007). Because patents are presumed valid, Zonoff must prove any fact critical to a holding on indefiniteness by clear and convincing evidence. *See Intel Corp. v. VIA Techs., Inc.*, 319 F.3d 1357, 1366 (Fed. Cir. 2003). Zonoff falls far short of meeting it burden.

Based on at least the above-discussed portions of the '871 Patent, a person of ordinary skill in the art would recognize that the devices (816), automations (804), mode (806), task scheduler (813), and server updater (814) portions of gateway device performs the function recited by claim 1. The specification is clear that "***[t]he logic*** of the embodiment shown in FIG. 8 ***comprises***, for non-limiting example, automations 804, mode 806, task scheduler 813, and server updater 814." '871 Patent at 8:30-32. The specification goes on to expressly link these structures to the recited functions by stating that "the gateway device 802 of the embodiment of FIG. 8 comprises logic that..." and then recites the disputed claim language almost verbatim. *Id.* at 8:45-56. That recitation clearly links and associates the devices (816), automations (804), mode (806), task scheduler (813), and server updater (814) portions of gateway device to the function of the disputed claim language. And there is certainly no evidence that a person of ordinary skill in the art could not make this association.

Zonoff has therefore failed to meet its burden of proving indefiniteness by clear and convincing evidence. To the extent that the Court construes this term as means-plus-function, the Court should construe the function as having its plain and ordinary meaning and should identify the devices (816), automations (804), mode (806), task scheduler (813), and server updater (814), portions of gateway device as the corresponding structure.

Dated: January 18, 2016

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